

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	Case No. 1:04CR246-01
Plaintiff,)	
)	
v.)	JUDGE KATHLEEN M. O'MALLEY
)	
JEAN CARLOS MARTINEZ,)	
)	
Defendant.)	<u>ORDER</u>
)	
)	

Pursuant to 28 U.S.C. § 636(b) and Local Criminal Rule 5.2, this matter was referred to Magistrate Judge George J. Limbert ("Judge Limbert") to conduct a violation hearing. (Doc. 72). On November 17, 2010, Judge Limbert conducted a revocation hearing, during which Defendant Jean Carlos Martinez ("Martinez") admitted that he violated his supervised release by failing to notify Probation Officer of arrest and contact with law enforcement, leaving the district without permission, failing to notify Probation Officer of change of residence and failing to submit timely monthly supervision reports.

Following the hearing, Judge Limbert prepared and submitted a Report and Recommendation ("R&R") in which he: (1) found that Martinez violated his supervised release and supervision should be revoked and (2) recommended that defendant be sentenced to nine (9) months imprisonment. At the conclusion of the R&R, Judge Limbert specifically advised the parties of their right to object to the R&R, and of the consequences of failing to do so in a timely fashion. (*Id.*)

Martinez has waived his appearance for a hearing before this Court and has filed no objections to the R&R. (Doc. 74).

The parties have agreed and asked the Court to impose a six (6) month sentence. Accordingly, the Court **ADOPTS**, in part, Judge Limbert's R&R. Supervised release is revoked and the defendant is sentenced to the custody of the Bureau of Prisons (BOP) for a period of six (6) months. No further period of supervised release to follow.

The Court recommends to the BOP that the defendant receive credit for time served in Federal custody.

IT IS SO ORDERED.

s/ Kathleen M. O'Malley
KATHLEEN M. O'MALLEY
UNITED STATES DISTRICT JUDGE

Dated: December 20, 2010